

Panaji, 16th May, 2019 (Vaisakha 26, 1941)

SERIES I No. 7

OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

NOTE

There are two Extraordinary issues to Official Gazette, Series I No. 6 dated 09-05-2019, as namely:-

(1) Extraordinary dated 8-5-2019 from pages 139 to 162, Notifications from Department of Finance (Revenue & Control Division) regarding Weekly Lottery Scheme.

(2) Extraordinary (No. 2) dated 13-5-2019 from pages 163 to 164 Notification No. 38/1/2017-Fin(R&C) (10/2019-Rate)/2826 regarding Goa Goods & Services Tax Act, 2017 & Corrigendum from Department of Finance (Revenue & Control Division).

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GOVERNMENT OF GOA

Department of Education, Art & Culture

Directorate of Technical Education

Order

DTE/Estt/1-1/Recruit C&D/C.C/PF-II/
/2015-16/348

Read:- 1. Office Memorandum No. 1/2/2012-
PER dated 21-11-2016.

2. Order No. DTE/Estt/1-1/Recruit
C&D/C.C/PF-II/2015-16/3965 dated
21-03-2018.

In pursuance to Office Memorandum
referred to 1 above and in partial modification

of order referred at 2 above, Government
approval is hereby conveyed to re-designate
the following posts under the cadre of
Directorate of Technical Education as "Multi-
Tasking Staff" with immediate effect:-

1. Peon.
2. Hamal.
3. Sweeper.
4. Sweeper cum Mali.
5. Watchman.
6. Watchman cum Mali.
7. Mali.
8. Ayah.
9. Fireman.

10. Library Attendant.
11. Block Attendant.
12. Animal Attendant.
13. Machine Attendant.
14. Laboratory Attendant.

Consequently, all the employees holding the above posts shall stand re-designated as “Multi-Tasking Staff” with their classification as Group ‘C’ with immediate effect.

The duties of all these “Multi-Tasking Staff” shall broadly include:

- a) Physical maintenance of records of the section.
- b) General cleanliness & upkeep of the Section/Unit.
- c) Carrying of files & other papers within the building.
- d) Photocopying, sending of Fax etc.
- e) Other no-clerical work in the Section/Unit.
- f) Assisting in routine office work like diary, dispatch etc. including on computer.
- g) Delivering of dak (outside the building).
- h) Watch & Ward duties.
 - i) Opening and closing of rooms.
 - j) Cleaning of rooms.
 - k) Dusting of furniture etc.
 - l) Cleaning of building, fixtures etc.
- m) Work related to his/her ITI qualifications, if it exists,
- n) Driving of vehicles, if in possession of valid driving license.
- o) Upkeep of Parks, Lawns, Potted plants etc.
- p) Any other work assigned by the superior authority.

Note: The above list of duties is only illustrative and non exhaustive, Institutes/Offices may add to the list, duties of similar nature ordinarily performed by officials at this level.

By order and in the name of the Governor of Goa.

Vivek B. Kamat, Director & ex officio Addl. Secretary (Technical Education).

Porvorim, 10th May, 2019.



Department of Finance

Debt Management Division

Notification

7/13/2018/-FIN(DMU)/701

In exercise of the powers conferred by sub-section (1) of section 15 read with section 4A of the Goa Protection of Interests of Depositors (in Financial Establishments) Act, 1999 (Goa Act 10 of 1999), the Government of Goa hereby makes the following rules so as to amend the Goa Protection of Interests of Depositors (in Financial Establishments) Rules, 2000, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Protection of Interests of Depositors (in Financial Establishments) (First Amendment) Rules, 2018.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Amendment of rule 2.*— In rule 2 of the Goa Protection of Interests of Depositors (in Financial Establishments) Rules, 2000 (hereinafter referred to as the “principal Rules”),— (i) the existing provision shall be numbered as sub-rule (1) and in sub-rule (1) as so numbered, after clause (c), the following clauses shall be inserted, namely:—

“(d) “form” means a form appended to these rules;

(e) “Revenue Officer” means an Officer as defined under clause (30) of section 2 of the Goa, Daman and Diu Land Revenue Code, 1968 (No. 9 of 1969);

(f) “section” means a section of the Act.”.,

(ii) after sub-rule (1) so numbered, the following sub-rule shall be inserted, namely:—

“(2) Words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.”.

3. *Insertion of new rules 2A, 2B and 2C.*— In the principal Rules, after rule 2, the following rules shall be inserted, namely:—

“2A. *Report of business by financial establishment.*— (1) Every financial establishment shall submit the report as specified in section 4A of the Act to the District Collector in Form-I hereto.

(2) The District Collector shall enter the details of report received in a register maintained in Form-II hereto.

(3) Every financial establishment shall furnish within one month of the expiry of each quarter of a financial year, a quarterly return in Form-III hereto, showing particulars in respect of its business including its financial position, area of its investments and the location of investment of moneys made by it within and outside the State about each such quarterly returns of the financial year, to the District Collector, within the limits of whose jurisdiction the main branch office, as declared by the financial establishment, is located.

2B. *Record of complaints.*— The Competent Authority shall maintain a record of every complaint received under the Act and shall enter the related details in a register maintained in Form-IV hereto.

2C. *Procedure on receipt of complaint.*— (1) On receipt of a complaint from depositors or otherwise, the Competent Authority shall

initiate such inquiry as it may deem necessary to ascertain as to whether the financial establishment has fraudulently defaulted.

(2) The Competent Authority shall before conducting such inquiry give a copy of the complaint to the financial establishment and in case the financial establishment satisfies the Competent Authority with documentary proof that it has repaid such deposit, interest, bonus, profit or return of any kind, the Competent Authority may permit the complainant to withdraw the complaint.

(3) The report of the inquiry and findings therein, shall be submitted by the Competent Authority to the Government, for orders in terms of section 3 of the Act.”.

4. *Amendment of rule 6.*— In rule 6 of the principal Rules, in sub-rule (3), the following proviso shall be inserted, namely:—

“Provided that, if, from information received or otherwise, such officer in charge of a Police Station has reason to suspect the commission of an offence under this Act, he shall forthwith send a report of the same to the Special Court empowered to take cognizance of such offence and shall proceed in person, or shall depute one of his subordinate officers not being such rank of Police Sub-Inspector, to proceed to the spot, to investigate the facts and circumstances of the case, and, if necessary, to take measures for the discovery and arrest of the offender as per the provisions of the Code of Criminal Procedure, 1973.”

5. *Insertion of new rule 6A.*— In the principal Rules, after rule 6, the following rule shall be inserted, namely:—

“6A. *Procedure for attachment and sale of property.*— (1) The Competent Authority shall keep in custody all money or other property attached, and shall arrange for the safe keeping of any records, books of accounts, papers and documents found in the premises of attached property.

(2) The Competent Authority shall maintain a record of all the income received

and expenditure incurred in relation to the attachment, management and disposal of money or other property attached and shall furnish the same to the Special Court as required.”.

By order and in the name of the Governor of Goa.

Shashank V. Thakur, Under Secretary, Finance (Bud-II).

Porvorim, 3rd May, 2019.



Department of Law & Judiciary

Legal Affairs Division

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Notification

10/4/2019-LA-110

The Companies (Amendment) Second Ordinance, 2019 (Ordinance No. 6 of 2019), which has been promulgated by the President in the Seventieth Year of the Republic of India and published in the Gazette of India, Extraordinary, Part II, Section I, dated 21-2-2019, is hereby published for the general information of the public.

Julio B. Noronha, Joint Secretary (Law).

Porvorim, 1st April, 2019.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 21st February, 2019/Phalguna 2, 1940 (Saka)

THE COMPANIES (AMENDMENT) SECOND ORDINANCE, 2019

No. 6 of 2019

Promulgated by the President in the Seventieth Year of the Republic of India.

An Ordinance further to amend the Companies Act, 2013.

Whereas the Companies (Amendment) Ordinance, 2018 was promulgated by the President on the 2nd day November, 2018;

And whereas the Companies (Amendment) Bill, 2019 to replace the Companies (Amendment) Ordinance, 2018 has been passed by the House of People on the 4th day of January, 2019 and is pending in the Council of States;

And whereas in order to give continued effect to the provisions of the Companies (Amendment) Ordinance, 2018, the Companies (Amendment) Ordinance, 2019 was promulgated on the 12th day of January, 2019;

And whereas the Companies (Amendment) Bill, 2019 along with amendments to the said Bill could not be taken up for consideration and passing in the Council of States;

And whereas the Companies (Amendment) Ordinance, 2019 will cease to operate on the 13th day of March, 2019;

And whereas it is considered necessary to give continued effect to the provisions of the Companies (Amendment) Ordinance, 2019;

And whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Companies (Amendment) Second Ordinance, 2019.

(2) It shall be deemed to have come into force on the 2nd day of November, 2018.

2. *Amendment of section 2.*— In section 2 of the Companies Act, 2013 (hereinafter referred to as the principal Act), in clause (41),—

(a) for the first proviso, the following provisos shall be substituted, namely:—

“Provided that where a company or body corporate, which is a holding company or a subsidiary or associate company of a company incorporated outside India and is required to follow a different financial year for consolidation of its accounts outside India, the Central Government may, on an application made by that company or body corporate in such form and manner as may be prescribed, allow any period as its financial year, whether or not that period is a year:

Provided further that any application pending before the Tribunal as on the date of commencement of the Companies (Amendment) Second Ordinance, 2019, shall be disposed of by the Tribunal in accordance with the provisions applicable to it before such commencement.”;

(b) in the second proviso, for the words “Provided further that”, the words “Provided also that” shall be substituted.

3. *Insertion of new section 10A.*— After section 10 of the principal Act, the following section shall be inserted, namely:—

“10A. (1) *Commencement of business, etc.*— A company incorporated after the commencement of the Companies (Amendment) Second Ordinance, 2019 and having a share capital shall not commence any business or exercise any borrowing powers unless—

(a) a declaration is filed by a director within a period of one hundred and eighty days of the date of incorporation of the company in such form and verified in such manner as may be prescribed, with the Registrar that every subscriber to the memorandum has paid the value of the shares agreed to be taken by him on the date of making of such declaration; and

(b) the company has filed with the Registrar a verification of its registered office as provided in sub-section (2) of section 12.

(2) If any default is made in complying with the requirements of this section, the company shall be liable to a penalty of fifty thousand rupees and every officer who is in default shall be liable to a penalty of one thousand rupees for each day during which such default continues but not exceeding an amount of one lakh rupees.

(3) Where no declaration has been filed with the Registrar under clause (a) of sub-section (1) within a period of one hundred and eighty days of the date of incorporation of the company and the Registrar has reasonable cause to believe that the company is not carrying on any business or operations, he may, without prejudice to the provisions of sub-section (2), initiate action for the removal of the name of the company from the register of companies under Chapter XVIII.

4. *Amendment of section 12.*— In section 12 of the principal Act, after sub-section (8), the following sub-section shall be inserted, namely:—

“(9) If the Registrar has reasonable cause to believe that the company is not carrying on any business or operations, he may cause a physical verification of the registered office of the company in such manner as may be prescribed and if any default is found to be made in complying with the requirements of sub-section (1), he may without prejudice to the provisions of sub-section (8), initiate action for the removal of the name of the company from the register of companies under Chapter XVIII.”.

5. *Amendment of section 14.*— In section 14 of the principal Act,—

(i) in sub-section (1), for the second proviso, the following provisos shall be substituted, namely:—

“Provided further that any alteration having the effect of conversion of a public company into a private company shall not be valid unless it is approved by an order of the Central Government on an application made in such form and manner as may be prescribed:

Provided also that any application pending before the Tribunal, as on the date of commencement of the Companies (Amendment) Second Ordinance, 2019, shall be disposed of by the Tribunal in accordance with the provisions applicable to it before such commencement.”;

(ii) in sub-section (2), for the word “Tribunal”, the words “Central Government” shall be substituted.

6. *Amendment of section 53.*— In section 53 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Where any company fails to comply with the provisions of this section, such company and every officer who is in default shall be liable to a penalty which may extend to an amount equal to the amount raised through the issue of shares at a discount or five lakh rupees, whichever is less, and the company shall also be liable to refund all monies received with interest at the rate of twelve per cent. per annum from the date of issue of such shares to the persons to whom such shares have been issued.”,

7. *Amendment of section 64.*— In section 64 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Where any company fails to comply with the provisions of sub-section (1), such company and every officer who is in default shall be liable to a penalty of one thousand rupees for each day during which such default continues, or five lakh rupees whichever is less.”.

8. *Amendment of section 77.*— In section 77 of the principal Act, in sub-section (1), for the first and second provisos, the following provisos shall be substituted, namely:—

“Provided that the Registrar may, on an application by the company, allow such registration to be made—

(a) in case of charges created before the commencement of the Companies (Amendment) Second Ordinance, 2019, within a period of three hundred days of such creation; or

(b) in case of charges created on or after the commencement of the Companies (Amendment) Second Ordinance, 2019, within a period of sixty days of such creation,

on payment of such additional fees as may be prescribed:

Provided further that if the registration is not made within the period specified—

(a) in clause (a) to the first proviso, the registration of the charge shall be made within six months from the date of commencement of the Companies (Amendment) Second Ordinance, 2019, on payment of such additional fees as may be prescribed and different fees may be prescribed for different classes of companies;

(b) in clause (b) to the first proviso, the Registrar may, on an application, allow such registration to be made within a further period of sixty days after payment of such *advalorem* fees as may be prescribed.”.

9. *Amendment of section 86.*— Section 86 of the principal Act shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

“(2) If any person wilfully furnishes any false or incorrect information or knowingly suppresses any material information,

required to be registered in accordance with the provisions of section 77, he shall be liable for action under section 447.”.

10. *Substitution of new section for section 87.*— For section 87 of the principal Act, the following section shall be substituted, namely:—

“87. *Rectification by Central Government in Register of charges.*— The Central Government on being satisfied that—

(a) the omission to give intimation to the Registrar of the payment or satisfaction of a charge, within the time required under this Chapter; or

(b) the omission or misstatement of any particulars, in any filing previously made to the Registrar with respect to any charge or modification thereof or with respect to any memorandum of satisfaction or other entry made in pursuance of section 82 or section 83, was accidental or due to inadvertence or some other sufficient cause or it is not of a nature to prejudice the position of creditors or shareholders of the company, it may, on the application of the company or any person interested and on such terms and conditions as it deems just and expedient, direct that the time for the giving of intimation of payment or satisfaction shall be extended or, as the case may require, that the omission or misstatement shall be rectified.”.

11. *Amendment of section 90.*— In section 90 of the principal Act,—

(i) for sub-section (9), the following sub-section shall be substituted, namely:—

“(9) The company or the person aggrieved by the order of the Tribunal may make an application to the Tribunal for relaxation or lifting of the restrictions placed under sub-section (8), within a period of one year from the date of such order:

Provided that if no such application has been filed within a period of one

year from the date of the order under sub-section (8), such shares shall be transferred, without any restrictions, to the authority constituted under sub-section (5) of section 125, in such manner as may be prescribed;

(ii) in sub-section (10),—

(a) after the word “punishable”, the words “with imprisonment for a term which may extend to one year or” shall be inserted;

(b) after the words “ten lakh rupees”, the words “or with both” shall be inserted;

12. *Amendment of section 92.*— In section 92 of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) If any company fails to file its annual return under sub-section (4), before the expiry of the period specified therein, such company and its every officer who is in default shall be liable to a penalty of fifty thousand rupees and in case of continuing failure, with a further penalty of one hundred rupees for each day during which such failure continues, subject to a maximum of five lakh rupees.”.

13. *Amendment of section 102.*— In section 102 of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) Without prejudice to the provisions of sub-section (4), if any default is made in complying with the provisions of this section, every promoter, director, manager or other key managerial personnel of the company who is in default shall be liable to a penalty of fifty thousand rupees or five times the amount of benefit accruing to the promoter, director, manager or other key managerial personnel or any of his relatives, whichever is higher.”.

14. *Amendment of section 105.*— In section 105 of the principal Act, in sub-section (3), for the words “punishable with fine which may extend to five thousand rupees”, the

words “liable to a penalty of five thousand rupees” shall be substituted.

15. *Amendment of section 117.*— In section 117 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) If any company fails to file the resolution or the agreement under sub-section (1) before the expiry of the period specified therein, such company shall be liable to a penalty of one lakh rupees and in case of continuing failure, with a further penalty of five hundred rupees for each day after the first during which such failure continues, subject to a maximum of twenty-five lakh rupees and every officer of the company who is in default including liquidator of the company, if any, shall be liable to a penalty of fifty thousand rupees and in case of continuing failure, with a further penalty of five hundred rupees for each day after the first during which such failure continues, subject to a maximum of five lakh rupees.”.

16. *Amendment of section 121.*— In section 121 of the principal Act, for sub-section (3) the following sub-section shall be substituted, namely:—

“(3) If the company fails to file the report under sub-section (2) before the expiry of the period specified therein, such company shall be liable to a penalty of one lakh rupees and in case of continuing failure, with further penalty of five hundred rupees for each day after the first during which such failure continues, subject to a maximum of five lakh rupees and every officer of the company who is in default shall be liable to a penalty which shall not be less than twenty-five thousand rupees and in case of continuing failure, with a further penalty five hundred rupees for each day after the first during which such failure continues, subject to a maximum of one lakh rupees.”.

17. *Amendment of section 137.*— In section 137 of the principal Act, in sub-section (3)—

(a) for the words “punishable with fine”, the words “liable to a penalty” shall be substituted;

(b) for the portion beginning with “punishable with imprisonment”, and ending with “five lakh rupees or with both”, the words “shall be liable to a penalty of one lakh rupees and in case of continuing failure, with a further penalty of one hundred rupees for each day after the first during which such failure continues, subject to a maximum of five lakh rupees” shall be substituted.

18. *Amendment of section 140.*— In section 140 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) If the auditor does not comply with the provisions of sub-section (2), he or it shall be liable to a penalty of fifty thousand rupees or an amount equal to the remuneration of the auditor, whichever is less, and in case of continuing failure, with a further penalty of five hundred rupees for each day after the first during which such failure continues, subject to a maximum of five lakh rupees.”.

19. *Amendment of section 157.*— In section 157 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) If any company fails to furnish the Director Identification Number under sub-section (1), such company shall be liable to a penalty of twenty-five thousand rupees and in case of continuing failure, with a further penalty of one hundred rupees for each day after the first during which such failure continues, subject to a maximum of one lakh rupees, and every officer of the company who is in default shall be liable to a penalty of not less than twenty-five thousand rupees and in case of continuing failure, with a further penalty of one hundred rupees for each day after the first during which such failure continues, subject to a maximum of one lakh rupees.”.

20. *Substitution of new section for section 159.*— For section 159 of the principal Act, the following section shall be substituted, namely:—

“159. *Penalty for default of certain provisions.*— If any individual or director of a company makes any default in complying with any of the provisions of section 152, section 155 and section 156, such individual or director of the company shall be liable to a penalty which may extend to fifty thousand rupees and where the default is a continuing one, with a further penalty which may extend to five hundred rupees for each day after the first during which such default continues.”.

21. *Amendment of section 164.*— In section 164 of the principal Act, in sub-section (1), after clause (h), the following clause shall be inserted, namely:—

“(i) he has not complied with the provisions of sub-section (1) of section 165.”.

22. *Amendment of section 165.*— In section 165 of the principal Act, in sub-section (6), for the portion beginning with “punishable with fine” and ending with “contravention continues”, the words “liable to a penalty of five thousand rupees for each day after the first during which such contravention continues” shall be substituted.

23. *Amendment of section 191.*— In section 191 of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) If a director of the company makes any default in complying with the provisions of this section, such director shall be liable to a penalty of one lakh rupees.”.

24. *Amendment of section 197.*— In section 197 of the principal Act,—

(a) sub-section (7) shall be omitted;

(b) for sub-section (15), the following sub-section shall be substituted, namely:—

“(15) If any person makes any default in complying with the provisions of this

section, he shall be liable to a penalty of one lakh rupees and where any default has been made by a company, the company shall be liable to a penalty of five lakh rupees.”.

25. *Amendment of section 203.*— In section 203 of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) If any company makes any default in complying with the provisions of this section, such company shall be liable to a penalty of five lakh rupees and every director and key managerial personnel of the company who is in default shall be liable to a penalty of fifty thousand rupees and where the default is a continuing one, with a further penalty of one thousand rupees for each day after the first during which such default continues but not exceeding five lakh rupees.”.

26. *Amendment of section 238.*— In section 238 of the principal Act, in sub-section (3), for the words “punishable with fine which shall not be less than twenty-five thousand rupees but which may extend to five lakh rupees”, the words “liable to a penalty of one lakh rupees” shall be substituted.

27. *Amendment of section 248.*— In section 248 of the principal Act, in sub-section (1),—

(a) in clause (c), for the word and figures “section 455,”, the words and figures “section 455; or” shall be substituted;

(b) after clause (c) and before the long line, the following clauses shall be inserted, namely:—

“(d) the subscribers to the memorandum have not paid the subscription which they had undertaken to pay at the time of incorporation of a company and a declaration to this effect has not been filed within one hundred and eighty days of its incorporation under sub-section (1) of section 10A; or

(e) the company is not carrying on any business or operations, as revealed after the physical verification carried out under sub-section (9) of section 12.”.

28. *Amendment of section 441.*— In section 441 of the principal Act,—

(a) in sub-section (1), in clause (b), for the words “does not exceed five lakh rupees”, the words “does not exceed twenty-five lakh rupees” shall be substituted;

(b) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any 2 of 1974. offence which is punishable under this Act with imprisonment only or with imprisonment and also with fine shall not be compoundable.”

29. *Amendment of section 446B.*— In section 446B of the principal Act, for the portion beginning with “punishable with fine” and ending with “specified in such sections”, the words “liable to a penalty which shall not be more than one half of the penalty specified in such sections” shall be substituted.

30. *Amendment of section 447.*— In section 447 of the principal Act, in the second proviso, for the words “twenty lakh rupees”, the words “fifty lakh rupees” shall be substituted.

31. *Amendment of section 454.*— In section 454 of the principal Act,—

(i) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The adjudicating officer may, by an order—

(a) impose the penalty on the company, the officer who is in default, or any other person, as the case may be, stating therein any non-

compliance or default under the relevant provisions of this Act; and

(b) direct such company, or officer who is in default, or any other person, as the case may be, to rectify the default, wherever he considers fit.”;

(ii) in sub-section (4), for the words “such company and the officer who is in default”, the words “such company, the officer who is in default or any other person” shall be substituted;

(iii) in sub-section (8),—

(a) in clause (i), for the words “does not pay the penalty imposed by the adjudicating officer or the Regional Director”, the words, brackets and figures “fails to comply with the order made under sub-section (3) or sub-section (7), as the case may be,” shall be substituted;

(b) in clause (ii)—

(i) for the words “Where an officer of a company”, the words “Where an officer of a company or any other person” shall be substituted;

(ii) for the words “does not pay the penalty”, the words, brackets and figures “fails to comply with the order made under sub-section (3) or sub-section (7), as the case may be,” shall be substituted.

32. *Insertion of new section 454A.*— After section 454 of the principal Act, the following section shall be inserted, namely:—

“454A. *Penalty for repeated default.*— Where a company or an officer of a company or any other person having already been subjected to penalty for default under any provisions of this Act, again commits such default within a period of three years from the date of order imposing such penalty passed by the adjudicating officer or the Regional Director, as the case may be, it or he shall be liable for the second or subsequent defaults for an amount equal to twice the

amount of penalty provided for such default under the relevant provisions of this Act.”.

33. *Repeal and Savings.*— (1) The Companies (Amendment) Ord. Ordinance, 2019 is hereby repealed. 3 of 2019.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Ordinance.

RAM NATH KOVIND
President

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



Department of Public Health

Order

44/11/2019-I/PHD/1209

Whereas the Government vide Notification No. 1/2018/DMA/ODF/SBM/BIOTOILETS/1600, Series I No. 22 dated 30th August, 2018 had notified the scheme “Supply and Installation of Individual Household Bio-Digester Toilets in the State of Goa” with the objective of achieving “Open Defecation Free Goa”.

And whereas the scheme provides for installation of toilets in any household not having an individual sanitary toilet without prejudice to the dispute of ownership/title/possession, if any pending before any authority or court of law.

And whereas the Director (Panchayat) has informed that a number of applications received under the said scheme are without NOC/consent of the owner/landlord and sought the intervention of the Government under the Goa Public Health Act, 1985.

Now therefore in exercise of powers vested upon the Government under Section 94A of the Goa Public Health Act, 1985, the Government hereby issues the following directions:

(a) The Director of Panchayats and Director Municipal Administration as the case may be shall consider all such applications which are received without NOC/consent of the owner/landlord and sanction benefits under the said scheme if the applicant is otherwise eligible.

(b) The Goa Waste Management Corporation (GWMC), the implementing agency of the said scheme shall supply and install toilets in all such households so communicated by Director of Panchayats and Director Municipal Administration.

(c) Providing Bio-Digester Toilets to the applicants without NOC/consent of the owner/landlord under the scheme, shall not in any way be taken to have regularised, validated or legalised any such structure, premises, house, hut, area or occupation of or by any such person.

(d) In the event of any dispute as regards land, building, apportionment, encroachment, including legality or illegality of structure or occupation of any structure by any person or any question related or incidental thereto, such dispute, lis, proceedings, right, privilege shall remain unaffected and shall not prejudice any person in any way whatsoever.

By order and in the name of the Governor of Goa.

Maria Seomara Desouza, Under Secretary (Health-II).

Porvorim, 9th May, 2019.

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